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JUN 16 2016

4 AT SEATTLE
5 CLERK U.S. DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 BY DEPUTY
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10 UNITED STATES DISTRICT COURT FOR THE
11 WESTERN DISTRICT OF WASHINGTON
12 AT SEATTLE
13

14 UNITED STATES OF AMERICA,

15 NO. CR16-176RSL

16 Plaintiff,

17 PLEA AGREEMENT

18 v.

19 JASPER K. BELL,

20 Defendant.
21

22 The United States of America, by and through Annette L. Hayes, United States
23 Attorney for the Western District of Washington, and Todd Greenberg, Assistant United
24 States Attorney for said District, Defendant, Jasper K. Bell, and his attorney, Nancy
25 Tenney, enter into the following Agreement, pursuant to Federal Rule of Criminal
26 Procedure 11(c):

27 1. **Waiver of Indictment.** Defendant, having been advised of the right to be
28 charged by Indictment, agrees to waive that right and enter a plea of guilty to the charge
brought by the United States Attorney in an Information.

29 2. **The Charge.** Defendant, having been advised of the right to have this
30 matter tried before a jury, agrees to waive that right and enter a plea of guilty to the
31 charge of Threatening a Federal Official, in violation of Title 18, United States Code,
32 Section 115(a)(1)(B) and (b)(4), contained in the Information.

33 PLEA AGREEMENT/BELL - 1

34 UNITED STATES ATTORNEY
35 700 STEWART STREET, SUITE 5220
36 SEATTLE, WASHINGTON 98101
37 (206) 553-7970

1 By entering a plea of guilty, Defendant hereby waives all objections to the form of
 2 the charging document. Defendant further understands that, before entering his guilty
 3 plea, he will be placed under oath. Any statement given by Defendant under oath may be
 4 used by the United States in a prosecution for perjury or false statement.

5 **3. Elements of the Offense.** The elements of the offense of Threatening a
 6 Federal Official to which Defendant is pleading guilty, are as follows:

- 7 a. First, the defendant threatened to assault a United States official; and
- 8 b. Second, the defendant acted with the intent to impede, intimidate, or
 9 interfere with such official while engaged in the performance of official
 10 duties, or with the intent to retaliate against such official on account of the
 11 performance of official duties.

12 **4. The Penalties.** Defendant understands that the statutory penalties
 13 applicable to the offense of Threatening a Federal Official are as follows: a maximum
 14 term of imprisonment of up to ten (10) years, a fine of up to two hundred and fifty
 15 thousand dollars (\$250,000), a period of supervision following release from prison of up
 16 to three (3) years, and a mandatory special assessment of one hundred dollars (\$100). If a
 17 probationary sentence is imposed, the probation period can be for up to five (5) years.
 18 Defendant agrees that the special assessment shall be paid at or before the time of
 19 sentencing.

20 Defendant understands that supervised release is a period of time following
 21 imprisonment during which he will be subject to certain restrictive conditions and
 22 requirements. Defendant further understands that, if supervised release is imposed and he
 23 violates one or more of the conditions or requirements, Defendant could be returned to
 24 prison for all or part of the term of supervised release that was originally imposed. This
 25 could result in Defendant serving a total term of imprisonment greater than the statutory
 26 maximum stated above.

27 Defendant understands that, as a part of any sentence, in addition to any term of
 28 imprisonment and/or fine that is imposed, the Court may order Defendant to pay

1 restitution to any victim of the offense, as required by law. Defendant further
2 understands that the consequences of pleading guilty may include the forfeiture of certain
3 property, either as a part of the sentence imposed by the Court, or as a result of civil
4 judicial or administrative process.

5 Defendant agrees that any monetary penalty the Court imposes, including the
6 special assessment, fine, costs, or restitution, is due and payable immediately and further
7 agrees to submit a completed Financial Statement of Debtor form as requested by the
8 United States Attorney's Office.

9 **5. Rights Waived by Pleading Guilty.** Defendant understands that, by
10 pleading guilty, he knowingly and voluntarily waives the following rights:

- 11 a. The right to plead not guilty and to persist in a plea of not guilty;
- 12 b. The right to a speedy and public trial before a jury of his peers;
- 13 c. The right to the effective assistance of counsel at trial, including, if
14 Defendant could not afford an attorney, the right to have the Court
15 appoint one for him;
- 16 d. The right to be presumed innocent until guilt has been established
17 beyond a reasonable doubt at trial;
- 18 e. The right to confront and cross-examine witnesses against Defendant
19 at trial;
- 20 f. The right to compel or subpoena witnesses to appear on his behalf at
21 trial;
- 22 g. The right to testify or to remain silent at trial, at which trial such
23 silence could not be used against Defendant; and
- 24 h. The right to appeal a finding of guilt or any pretrial rulings.

25 **6. United States Sentencing Guidelines.** Defendant understands and
26 acknowledges that the Court must consider the sentencing range calculated under the
27 United States Sentencing Guidelines and possible departures under the Sentencing
28 Guidelines together with the other factors set forth in Title 18, United States Code,

1 Section 3553(a), including: (1) the nature and circumstances of the offense; (2) the
2 history and characteristics of the defendant; (3) the need for the sentence to reflect the
3 seriousness of the offense, to promote respect for the law, and to provide just punishment
4 for the offense; (4) the need for the sentence to afford adequate deterrence to criminal
5 conduct; (5) the need for the sentence to protect the public from further crimes of the
6 defendant; (6) the need to provide the defendant with educational and vocational training,
7 medical care, or other correctional treatment in the most effective manner; (7) the kinds
8 of sentences available; (8) the need to provide restitution to victims; and (9) the need to
9 avoid unwarranted sentence disparity among defendants involved in similar conduct who
10 have similar records. Accordingly, Defendant understands and acknowledges that:

11 a. The Court will determine Defendant's Sentencing Guidelines range
12 at the time of sentencing;

13 b. After consideration of the Sentencing Guidelines and the factors in
14 18 U.S.C. 3553(a), the Court may impose any sentence authorized by law, up to the
15 maximum term authorized by law;

16 c. The Court is not bound by any recommendation regarding the
17 sentence to be imposed, or by any calculation or estimation of the Sentencing Guidelines
18 range offered by the parties or the United States Probation Department, or by any
19 stipulations or agreements between the parties in this Plea Agreement; and

20 d. Defendant may not withdraw his guilty plea solely because of the
21 sentence imposed by the Court.

22 7. **Ultimate Sentence.** Defendant acknowledges that no one has promised or
23 guaranteed what sentence the Court will impose.

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1 8. **Statement of Facts.** The parties agree on the following facts. Defendant
 2 admits he is guilty of the charged offense:

3 During mid-April 2016, Jasper Bell wrote at least three letters
 4 to United States Congressman McDermott's Seattle office,
 5 complaining about the manner in which Bell perceived the
 6 Congressman to be carrying out his duties as a "super
 7 delegate" in relation to the upcoming Democratic National
 8 Convention. Specifically, Bell complained in the letters that
 9 the Congressman was "tak[ing] his voice away" by
 supporting a different candidate than Bell supported, and that
 the Congressman was thereby ignoring the results of the
 Washington State Democratic caucus.

10 Throughout the next two weeks, Bell placed numerous
 11 telephone calls to Congressman McDermott's Seattle office,
 12 and visited the office on multiple occasions, demanding an in-
 13 person meeting with the Congressman to discuss his
 14 complaints. Bell's behavior in this regard culminated with
 the events of April 22, 2016.

15 On April 22, 2016, between approximately 12:00 p.m. and
 16 12:50 p.m., Bell placed a total of 17 telephone calls to
 17 Congressman McDermott's Seattle office and six additional
 calls to his Washington, D.C. office.

18 During one of the phone calls to the Seattle office, Bell spoke
 19 to a staff member who answered the phone. Bell made angry
 20 remarks about the fact that protesters had been arrested
 21 outside of Congressman McDermott's office the day before.
 22 Bell became increasingly animated during the call. Bell
 23 ultimately stated, "Tell me where he fucking lives," referring
 to Congressman McDermott, and threatened, "I will cut his
 motherfucking tongue out."

24 During another call on April 22, 2016, Bell spoke to a Seattle
 25 staff member and demanded to know Congressman
 26 McDermott's home address and telephone number. Bell also
 27 stated, "I will continue to call until he speaks to me – write
 that in the message you fucking bitch."

1 A few minutes later, Bell called Congressman McDermott's
2 office in Washington, D.C. According to the staffer who
3 answered the phone, Bell stated, "I am going to track him
down after he retires and he won't be safe."

4 At 12:55 p.m., Bell went to Congressman McDermott's
5 Seattle office. The doors to the office suite were locked.
6 According to witnesses, Bell began pounding on the glass
7 doors and was screaming things such as, "Let me in!" and
8 "You have to represent me!" Staff members inside the office
9 felt their offices shake due to Bell's pounding on the glass
10 doors. Staff members called the Seattle Police Department,
and officers responded to the scene. By the time the officers
arrived, Bell had departed the area.

11 A few minutes later, Bell called the Congressman's Seattle
12 office again. A police officer answered the phone and spoke
13 to Bell. The officer asked Bell whether he thought it was
14 appropriate to threaten a United States Congressman. Bell
15 replied with words to the effect, "Yes, I felt it was appropriate
because Jim McDermott is silencing thousands of people's
voices!"

16 Bell was arrested later on April 22nd, at approximately 8:15
17 p.m. Bell waived his *Miranda* rights and spoke with police
18 officers. During the interview, Bell admitted that he had
19 threatened Congressman McDermott and that his motivation
20 for making the threat was to influence the Congressman with
21 respect to the carrying out of his duties as a "super delegate,"
and in retaliation for the manner in which the Congressman
22 was carrying out those duties.

23 The parties agree that the Court may consider additional facts
24 contained in the Presentence Report (subject to standard
objections by the parties) and/or that may be presented by the
United States or Defendant at the time of sentencing, and that
the factual statement contained herein is not intended to limit
the facts that the parties may present to the Court at the time
of sentencing.

1 9. **Sentencing Factors.** The parties agree that the following Sentencing
2 Guidelines provisions apply to this case:

3 A base offense level of 12, pursuant to USSG § 2A6.1(a)(1);

4 A six-level upward adjustment because the victim of the offense was a
5 government official and the offense of conviction was motivated by such
6 status, pursuant to USSG § 3A1.2(b).

7 The United States acknowledges that if Defendant qualifies for an
8 acceptance of responsibility adjustment pursuant to USSG § 3E1.1(a), and
9 if the offense level is sixteen (16) or greater, his total offense level should
10 be decreased by three (3) levels pursuant to USSG § 3E1.1(a) and (b),
11 because he has assisted the United States by timely notifying the authorities
12 of Defendant's intention to plead guilty, thereby permitting the United
13 States to avoid preparing for trial and permitting the Court to allocate its
14 resources efficiently.

15 The parties agree they are free to present arguments regarding the applicability of
16 all other provisions of the United States Sentencing Guidelines. Defendant understands,
17 however, that at the time of sentencing, the Court is free to reject these stipulated
18 adjustments, and is further free to apply additional downward or upward adjustments in
19 determining Defendant's Sentencing Guidelines range. .

20 10. **Sentencing Recommendation.** Defendant may recommend any sentence
21 that Defendant wishes to recommend. The United States agrees that it will recommend a
22 sentence of imprisonment of not greater than one year. Except as otherwise provided in
23 this plea agreement, the parties are free to present arguments regarding any other aspect
24 of sentencing.

25 Defendant understands that these recommendations are not binding on the district
26 court and the district court may reject the recommendations and may impose any term of
27 imprisonment up to the statutory maximum penalties authorized by law. Defendant
28 further understands that he cannot withdraw his guilty plea simply because of the
sentences imposed by the district court in either case.

1 **11. Non-Prosecution of Additional Offenses.** As part of this Plea Agreement,
 2 the United States Attorney's Office for the Western District of Washington agrees not to
 3 prosecute Defendant for any additional offenses known to it as of the time of this
 4 Agreement that are based upon evidence in its possession at this time, and that arise out
 5 of the conduct giving rise to this investigation. In this regard, Defendant recognizes the
 6 United States may have agreed not to prosecute all of the criminal charges the evidence
 7 establishes were committed by Defendant solely because of the promises made by
 8 Defendant in this Agreement. Defendant agrees, however, that for purposes of preparing
 9 the Presentence Report, the United States Attorney's Office will provide the United
 10 States Probation Office with evidence of all conduct committed by Defendant.

11 Defendant agrees that any charges to be dismissed before or at the time of
 12 sentencing were substantially justified in light of the evidence available to the United
 13 States, were not vexatious, frivolous or taken in bad faith, and do not provide Defendant
 14 with a basis for any future claims under the "Hyde Amendment," Pub. L. No. 105-119
 15 (1997).

16 **12. Breach, Waiver, and Post-Plea Conduct.** Defendant agrees that, if
 17 Defendant breaches this Plea Agreement, the United States may withdraw from this Plea
 18 Agreement and Defendant may be prosecuted for all offenses for which the United States
 19 has evidence. Defendant agrees not to oppose any steps taken by the United States to
 20 nullify this Plea Agreement, including the filing of a motion to withdraw from the Plea
 21 Agreement. Defendant also agrees that, if Defendant is in breach of this Plea Agreement,
 22 Defendant has waived any objection to the re-institution of any charges in the Indictment
 23 that were previously dismissed and any additional charges that had not been prosecuted.

24 Defendant further understands that if, after the date of this Agreement, Defendant
 25 should engage in illegal conduct, or conduct that violates any conditions of release or the
 26 conditions of his confinement, (examples of which include, but are not limited to,
 27 obstruction of justice, failure to appear for a court proceeding, criminal conduct while
 28 pending sentencing, and false statements to law enforcement agents, the Pretrial Services

1 Officer, Probation Officer, or Court), the United States is free under this Agreement to
2 file additional charges against Defendant or to seek a sentence that takes such conduct
3 into consideration by requesting the Court to apply additional adjustments or
4 enhancements in its Sentencing Guidelines calculations in order to increase the applicable
5 advisory Guidelines range, and/or by seeking an upward departure or variance from the
6 calculated advisory Guidelines range. Under these circumstances, the United States is
7 free to seek such adjustments, enhancements, departures, and/or variances even if
8 otherwise precluded by the terms of the plea agreement.

9 **13. Waiver of Appeal.** As part of this Plea Agreement and on the condition
10 that the Court imposes a custodial sentence that is within or below the Sentencing
11 Guidelines range (or the statutory mandatory minimum, if greater than the Guidelines
12 range) that is determined by the Court at the time of sentencing, Defendant waives to the
13 full extent of the law:

- 14 a. any right conferred by Title 18, United States Code, Section 3742 to appeal
15 the sentence, including any restitution order imposed; and
16 b. any right to bring a collateral attack against the conviction and sentence,
17 including any restitution order imposed, except as it may relate to the effectiveness of
18 legal representation.

19 Furthermore, this waiver does not preclude Defendant from bringing an
20 appropriate motion pursuant to 28 U.S.C. 2241, to address the conditions of confinement
21 or the decisions of the Bureau of Prisons regarding the execution of the sentence.

22 If Defendant breaches this Plea Agreement at any time by appealing or collaterally
23 attacking (except as to effectiveness of legal representation) the conviction or sentence in
24 any way, the United States may prosecute Defendant for any counts, including those with
25 mandatory minimum sentences, that were dismissed or not charged pursuant to this Plea
26 Agreement.

27 **14. Voluntariness of Plea.** Defendant agrees that he has entered into this Plea
28 Agreement freely and voluntarily and that no threats or promises, other than the promises

1 contained in this Plea Agreement, were made to induce Defendant to enter his plea of
2 guilty.

3 **15. Statute of Limitations.** In the event this Agreement is not accepted by the
4 Court for any reason, or Defendant has breached any of the terms of this Plea Agreement,
5 the statute of limitations shall be deemed to have been tolled from the date of the Plea
6 Agreement to: (1) thirty (30) days following the date of non-acceptance of the Plea
7 Agreement by the Court; or (2) thirty (30) days following the date on which a breach of
8 the Plea Agreement by Defendant is discovered by the United States Attorney's Office.

9 **16. Completeness of Agreement.** The United States and Defendant
10 acknowledge that these terms constitute the entire Plea Agreement between the parties.
11 This Agreement binds only the United States Attorney's Office for the Western District
12 of Washington. It does not bind any other United States Attorney's Office or any other
13 office or agency of the United States, or any state or local prosecutor.

14 Dated this 16th day of June, 2016.

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JASPER K. BELL
Defendant

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NANCY TENNEY
Attorney for Defendant

TODD GREENBERG
Assistant United States Attorney

